

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 09/978,299

Filed: October 15, 2001

For: **PRO195 POLYPEPTIDES**

Examiner: Turner, Sharon L.

Art Unit: 1649

Confirmation No: 4234

Attorney's Docket No. 39780-2630 P1C3

Customer No. 35489

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OCT 25 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

VIA FACSIMILE

DATE: October 24, 2006

**ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES****REQUEST TO WITHDRAW APPEAL BY APPELLANTS****MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

On April 12, 2005, the Examiner made a Final Rejection to pending Claims 58-65 and 68-70. A Notice of Appeal was filed on September 12, 2005, and an Appeal Brief was filed November 10, 2005. An Examiner's Answer was mailed on February 3, 2006, and Appellants' Reply Brief was filed on April 3, 2006.

Appellants hereby request that the appeal be withdrawn, and that the above-identified application be expressly withdrawn as of the filing date of this paper.

**Request to Withdraw Appeal**  
**Application Serial No. 09/978,299**  
**Attorney's Docket No. 39780-2630 P1C3**

I am the attorney or agent of record.

Respectfully submitted,

Date: October 24, 2006

By:



Barrie Greene (Reg. No. 46,740)

**HELLER EHRMAN LLP**  
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10/24/06 2:24 PM (39780.2630)

39780-2630-0003.025

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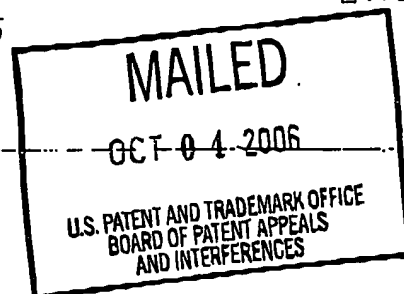
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HELLER EHRMAN



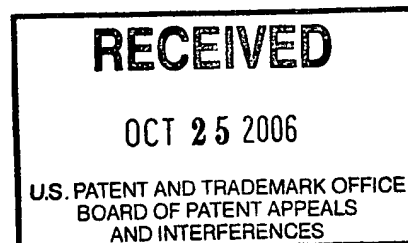
UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

BDG  
4A

HELLER EHRMAN, LLP  
275 MIDDLEFIELD ROAD  
MENLO PARK, CA 94025-3506

Appeal No: 2006-2549  
Appellant: Kevin P. Baker et al.  
Application No: 09/978,299  
Hearing Room: A  
Hearing Docket: A  
Hearing Date: Tuesday, November 14, 2006  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450



**NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central-Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

DOCKETED  
D/L TO RESPOND  
TO ORAL HEARING  
NOTICE  
FINAL - 10/25/06

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED

Bai Du  
Signature of Attorney/Agent/Appellant

10/23/06  
Date

46,740  
Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/acqm/scs/contact.htm/bpai\\_contacts](http://www.uspto.gov/web/offices/dcom/acqm/scs/contact.htm/bpai_contacts)

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**No. of Pages:** 4 (including cover)  
**Date:** October 24, 2006

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OCT 25 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

**Message:**

Re: Appeal for: Appeal No. 2006-2549  
U.S. Application No. 09/978,299  
Title: PRO195 POLYPEPTIDES  
Filed: October 15, 2001  
Inventors: Kevin P. BAKER et al.  
Attorney Docket No. 39780-2630 PIC3

Attached is a completed Notice of Hearing confirmation form, along with a **Request to Withdraw an Appeal**, and to expressly abandon the above-identified application.

Please let me know if you need any further information or assistance in this matter.

Yours truly,



Barrie Greene

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